

**MEMORANDUM OF UNDERSTANDING
BETWEEN CIVIL AIR PATROL AND CAP-USAF
FOR
SUPPORT OF WING LIAISON OFFICERS AND NON-COMMISSIONED
OFFICERS
AND LIAISON REGION DIRECTORS OF AEROSPACE EDUCATION**

WHEREAS, the FY 95 DOD Authorization Act contains CAP Supply Bill amendments which authorize reorganization of CAP-USAF. The Bill, as amended, authorizes CAP to employ Air Force retirees to replace active duty Air Force liaison officers and NCOs assigned to CAP wings who will be withdrawn over the next two years. Some wings will share liaison personnel, as departing personnel will not be replaced on a one for one basis and,

WHEREAS, the Bill, as amended, authorizes CAP to employ Headquarters staff to replace departing Air Force personnel. Under that provision, Region Directors of Aerospace Education at the eight Air Force Liaison Regions may be employed by CAP to replace departing Department of Defense (DoD) civilian employees.

NOW THEREFORE, in order to implement these authorizations the parties mutually agree as follows:

**PART I
CIVIL AIR PATROL WING LIAISON OFFICERS AND NON-COMMISSIONED
OFFICERS**

1. The duties and responsibilities of the retiree administrators (hereinafter wing liaison officers (LOs) and wing liaison noncommissioned officers (LNCOs)) shall be as set forth in the attached job description (Atch 1). Compensation and benefits shall be provided for in other documents, when finalized.
2. CAP-USAF shall (a) establish criteria for employment as a wing LO/LNCO, (b) collect and evaluate applications, and (c) submit a list of candidates to the CAP Wings eligible to employ a wing LO/LNCO. The CAP Wing commander will select from the top three applicants. If the CAP wing commander rejects all three applicants, the Commander, CAP-USAF, will be consulted for final resolution. Where the wing LO/LNCO will serve more than one CAP Wing, each Wing Commander involved will have the opportunity to make an input to the selection process. If Wing Commanders differ on a selection, the CAP Region Commander, in consultation with the Commander, CAP-USAF, will determine final resolution. For the purpose of the conversion only, incumbent LOs and LNCOs approved by CAP-USAF (CC) will be eligible for a "by name" request by the

Wing CC. Incumbent personnel must still submit an application package to HQ CAP-USAFA for administrative and audit purposes. Incumbent liaison personnel not specifically requested by name must apply and compete with other qualified candidates.

3. While performing duties, the wing LO/LNCO shall wear the Air Force uniform conforming to current standards of dress, personal appearance and weight prescribed by the Air Force. The LO/LNCO, if a volunteer member of the Civil Air Patrol, will not hold a staff position. The wing LO/LNCO is eligible to remain employed unless circumstances warrant dismissal as provided in 4 below. The Wing Commander will submit annual performance appraisals on assigned wing LOs/LNCOs on forms provided by CAP-USAFA.

4. Civil Air Patrol will immediately terminate a wing LO/LNCO's employment when notified by CAP-USAFA that certification of eligibility to serve has been withdrawn. The wing commander may request an assigned wing LO/LNCO be terminated but the final decision rests with CAP-USAFA. It is understood that adverse termination shall be considered that of the USAFA. Specific cause(s) for termination will be addressed in other documents.

5. Wing LOs/LNCOs are covered by the Federal Tort Claims Act (FTCA) and Federal Employees Compensation Act (FECA) while performing all liaison and administrative duties for CAP as set forth in their position job description. (Attachment 2 contains Department of Labor ruling on FECA; FTCA ruling expected soon.)

6. Wing commanders will provide the wing LO/LNCO with a portion of available office space and equipment as outlined in attachments 3 and 4. Office space will be based on the Air Force square-footage standard as a minimum.

7. Wing commanders may provide Civil Air Patrol vehicles and aircraft consistent with other Wing commitments as outlined in attachment 5.

8. Air Force appropriated funds will be used to reimburse the Wing for the use of telephones, aircraft and vehicles per attachments 3, 4, 5 and 6.

9. Per diem and associated costs incurred by LO/LNCO's for authorized travel will be reimbursed from Air Force appropriated funds.

10. Attachment 7 addresses specific wing LO flight operations procedures.

PART II
LIAISON REGION DIRECTORS OF AEROSPACE EDUCATION (LRDAES)

1. As a precondition to the continuing fulfillment of the provision of this Memorandum of Understanding which authorizes CAP to employ Region Directors of Aerospace Education at the Air Force Liaison Region Headquarters staff, the Air Force agrees as follows:

a. To provide office space and administrative support at the Air Force Region Headquarters as outlined in attachment 8 to this document.

b. Air Force Liaison Region Commanders will provide annual letters of evaluation through Air Force channels to CAP National Headquarters on the LRDAE's support of Air Force interests in aerospace education within the region.

c. Air Force Liaison Region Commanders may recommend to CAP National Headquarters, termination of the Liaison Region Director of Aerospace Education for cause.

d. Air Force appropriated funds will be used to reimburse LRDAEs for occasional rental of a vehicle in support of official LRDAE travel. The LR/CC may also authorize reimbursement for POV expenses incurred as part of official travel.

2. The Civil Air Patrol agrees as follows:

a. The LRDAEs will be managed by the Director of Aerospace Education and Training at CAP Headquarters. However, the LRDAE is required to coordinate with the Air Force Liaison Region Commander concerning aerospace education programs in the region.

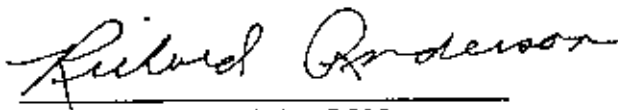
b. The LRDAE is required to coordinate with the CAP Region Commander concerning aerospace education programs in the region. The CAP Region Commander will provide annual letters of evaluation to CAP Headquarters on the effectiveness of the LRDAE and may recommend termination of the LRDAE for cause.

c. Only CAP National Headquarters can terminate employment of the LRDAE.

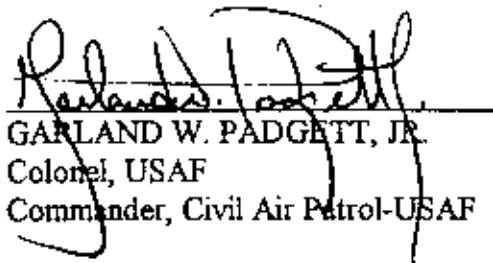
d. The LRDAE's office will be inspected as part of the periodic liaison region inspections.

**PART III
GENERAL PROVISIONS**

1. The Air Force organization designation "CAP-USAF" may change to "Air Force Auxiliary Military Advisory Group (AFAMAG)" and, in that event, that title will be substituted herein.
2. This Memorandum of Understanding shall be effective from the date of execution by representatives of the Civil Air Patrol and the Air Force. The provisions of this Memorandum of Understanding will be reviewed biennially and will remain in effect until amended by mutual agreement or until terminated by either party.



RICHARD L. ANDERSON
Brigadier General, CAP
National Commander, Civil Air Patrol



GARLAND W. PADGETT, JR.
Colonel, USAF
Commander, Civil Air Patrol-USAF

APPROVED DATE: 28 March 1995

AIR FORCE LIAISON OFFICER

1. General. Represents the Commanders, CAP-USAF and Liaison Region in implementing policies and procedures. Serves as Liaison Officer to CAP wing(s). Responsible for monitoring and keeping the LRCC informed on activities of the CAP wing(s) to which assigned as well as any items of special interest affecting CAP or the AF. Advises CAP Wing Commander(s) on organization, administration, operations, communications, public affairs, logistics, military procedures, and aviation matters. Assists Commander(s) in carrying out the three CAP missions. Develops and maintains liaison with wing CAP units. Develops and maintains liaison with AF/DOD installation commanders in order to maximize mutual support. Responsible for securing operational support through the Air Force Reserve Assistance Program. Assists CAP commanders in developing their unit's wartime mission.

2. Duties and Responsibilities:

a. Directs wing level CAP-USAF activities. Organizes, administers, and actively supervises the operation and expenditures of the liaison office and assigned personnel. Responsible for the accuracy and timely submission of CAP-USAF reports. Controls and safeguards property assigned to the LO. Establishes procedures to ensure the LO is notified and monitors CAP missions, safety mishaps and other pertinent activities. Prepares and submits to the liaison region annual budget requirements for the operation of liaison office. Provides input to the Reserve Forces Advisor on the Wing Reserve Coordinator's performance. Develops and maintains liaison with ROTC/JROTC units. Provides CAP briefing to state DOD installation commanders. Duty as pilot is mandatory for performance of duties.

b. Supports CAP activities. Advises and assists CAP personnel concerning organization, administration, safety, operations, communications, public affairs, inspections, logistics, aerospace education, training, military procedures, aviation and cadet programs. Monitors wing activities and suggests improvements to the CAP Wing Commander. Ensures liaison office attendance at wing staff meetings. Promotes USAF presence at other unit meetings. Coordinates USAF participation in awards ceremonies, special activities, and wing news letter production. Conducts CAP unit visits. Monitors operational training for safety and efficiency. Attends actual CAP emergency service missions as circumstances allow. Assists in preparation of CAP exercises. Assists wing in developing and updating operations plans. Assists wing in coordinating with state and local governmental and civic organizations including aviation and emergency services groups. Assists in monitoring wing suspenses, developing wing filing system and preparing military support and transportation authorizations. Monitors planned expenditure of government provided training funds. Validates reimbursement requests IAW appropriate directives. Procures excess property from DOD agencies and ensures correct documentation is processed for transfer to CAP. Assists in accountability of procured property by monitoring the logistics reports and unit account sampling during unit visits. Coordinates with DOD agencies for facilities and host-base support agreements. Assist wing in processing DOD airlift requests to LR DO. Assists the CAP cadet program by administering Spaatz examinations, serving as a member of the cadet special activity boards and supporting encampments. Assists CAP Wing Director of Aerospace Education in administering the AE mission. Assists wing(s) in promoting an active recruiting program.

AIR FORCE LIAISON NCO

1. General. Represents the Commanders, CAP-USAF and Liaison Region in implementing policies and procedures. Serves as executive administrator to Liaison Officer. Assists the Liaison Officer in the management of the liaison office and assumes those duties in his/her absence. Responsible for monitoring and keeping the LRCC informed of activities of the CAP wing to which assigned as well as any items of special interest affecting CAP or the AF. Advises CAP Wing Commander on organization, administrative, operations, communications, public affairs, logistics, military procedures, and aviation matters. Assists Commander in carrying out the three CAP missions. Develops and maintains liaison with wing CAP units. Develops and maintains liaison with AF/DOD installation commanders in order to maximize mutual support. Assists in developing the wing's wartime mission.

2. Duties and Responsibilities:

a. Organizes, administers, and actively supervises the operation and expenditures of the liaison office and assigned personnel. Responsible for the accuracy and timely submission of CAP-USAF reports. Controls and safeguards property assigned to the LO. Establishes procedures to ensure the LO is notified and monitors CAP missions, safety mishaps and other pertinent activities. Prepares and submits to the liaison region annual budget requirements for the operation of liaison office. Assists in development and maintenance of liaison with ROTC/JROTC units. Provides CAP briefing to state DOD installation commanders.

b. Supports CAP activities. Advises and assists CAP personnel concerning organization, administration, safety, operations, communications, public affairs, inspections, logistics, aerospace education, training, military procedures, aviation and cadet programs. Monitors wing activities and suggests improvements to the CAP Wing Commander. Ensures liaison office attendance at wing staff meetings. Promotes USAF presence at other unit meetings. Coordinates USAF participation in awards ceremonies and special activities. Conducts CAP unit visits. Monitors operational training for safety and efficiency. Attends actual CAP emergency service missions as circumstances allow. Assists in preparing CAP exercises. Assists wing in developing and updating operations plans. Assists wing in coordinating with state and local governmental and civic organizations including aviation and emergency services groups. Assists in monitoring wing suspenses, developing wing filing system and preparing military support and transportation authorizations. Monitors planned expenditure of government provided training funds. Validates reimbursement requests IAW appropriate directives. Procures excess property from DOD agencies and ensures correct documentation is processed for transfer to CAP. Assists in accountability of procured property by monitoring the logistics reports and unit account sampling during unit visits. Coordinates with DOD agencies for facilities and host-base support agreements. Assists wing in processing DOD airlift requests to LR DO. Provide assistance to the CAP cadet program by administering Spaatz examinations, serving as a member of the cadet special activity boards and supporting encampments. Assist CAP Wing Director of Aerospace Education in administering the AE mission. Assist CAP Wing Director of Cadets in administering the cadet program. Assist CAP in maintaining an active recruiting program.

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Federal Employees' Compensation
Washington, D.C. 20210



DEC 16 1994

File Number:

Major Zachary Z. Kinney
Staff Judge Advocate
Department of the Air Force
HQ CAP-USAF/JA
105 South Hansell Street
Maxwell AFB AL 36112-6332

Dear Major Kinney:

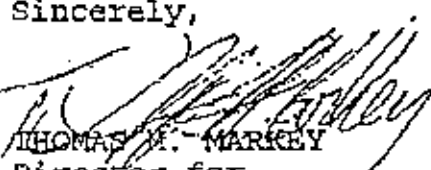
I am writing in reply to your letter dated August 1, concerning workers' compensation coverage under the Federal Employees' Compensation Act (FECA) for certain Civil Air Patrol (CAP) Corporation employees while carrying out official Air Force missions.

According to information we have received from you over the past several months, 104 CAP-USAF military employees have served as liaison officers in the 52 "wings" of the CAP. These 104 positions have been converted to CAP Corporation positions under a reorganization plan. Your letter sought coverage under 5 U.S.C. 8141 for these individuals while engaged in official Air Force missions.

FECA coverage will be extended to these individuals while they are engaged in official Air Force missions, but the coverage will be under 5 U.S.C. 8101, rather than 8141. Claims for benefits will be filed in the Office of Workers' Compensation Programs (OWCP) district office which has geographical jurisdiction. Cases will be created using regular case prefix codes (rather than a prefix of CP-), and benefits paid by OWCP on these cases will be charged back to the Air Force through the chargeback system already in place. For each claim submitted to OWCP, CAP-USAF will be required to submit a statement as to whether the individual was performing an official Air Force mission at the time of the injury or death.

Please let me know if you have any further questions on this matter.

Sincerely,


THOMAS M. MARKEY
Director for
Federal Employees' Compensation

ATCH 2

ATTACHMENT 3

Real Property

1. Wings will provide the Wing LO and Wing LNCO with administrative space, unless the Wing LO or Wing LNCO is able to obtain space on a military installation. Office space will be determined using the standard Air Force square footage requirements as a minimum. If a wing is unable to do so due to a lack of a wing headquarters, the Wing Commander must identify the problem to CAP national headquarters to work out a suitable alternative.
2. Air Force appropriated funds will be used to reimburse Wings for utilities based on the portion of square footage occupied by the Wing LO or Wing LNCO. However, due to current funding constraints, reimbursements will be implemented according to a schedule developed by CAP headquarters staff. Wings will provide MSLT with copies of twelve consecutive months' utility bills (electricity, water, sewage, gas, garbage) in order to establish a baseline amount for future funding requests.
3. The Wing LO/LNCO will move personal household goods, if required, at his/her own expense.

ATTACHMENT 4

Supplies and Equipment

1. Wing LO/LNCO supplies and equipment will be funded through Air Force appropriated funds.
2. HQ CAP/MS will establish, budget, and maintain accounts with vendors for equipment and supplies for the Wing LO and Wing LNCO.
3. Requests for items costing over \$200.00 each must be coordinated through the LR/LG before purchase.
4. Requests for maintenance will be forwarded to HQ CAP/MS for payment and/or reimbursement. The Wing LO/LNCO will be responsible for furnishing repair estimates and replacement value to determine economic feasibility of repairs/replacement to HQ CAP/MS.
5. HQ CAP/MS will provide initial issue of one each flight suit for each LO. Following that issue, any personal flight gear will be purchased by the LO with personal funds. Headsets, if desired, are the responsibility of the wing liaison officer.

ATTACHMENT 5

Vehicles

1. The CAP Corporation will continue GSA lease of vehicles for LO/LNCO use for the next one to three years. This lease procedure will not impact the number of vehicles available for use by CAP Wing personnel. After that period, vehicles will be purchased with appropriated funds for Wing LOs or Wing LNCOs. The vehicles will be seven passenger vans similarly equipped as those already in the CAP fleet. Vans will be used solely in support of official duties and will be driven only by the Wing LO, Wing LNCO, Air Force Reserve personnel supporting CAP missions, or other USAF personnel in the performance of their duties.
2. It is recommended the NEC (or National Board) vote to increase the number of authorized vehicles in the fleet to accommodate the increased vehicle requirement, when they are purchased. These vehicles will be covered through government insurance.
3. Reimbursement for Wing LO or Wing LNCO vehicle costs will be provided to the wings based on actual expenditures.
 - a. Copies of gas receipts will be provided monthly to MSLT for reimbursement.
 - b. Routine maintenance will be paid based on manufacturer's recommended intervals. Copies of receipts will be provided to MSLT.
 - c. All other maintenance will be reimbursed via the existing control number method.
4. All accident repair costs to the Wing LO or Wing LNCO vehicle will be covered by Air Force appropriated funds.
5. If a vehicle is totaled, a new vehicle will be purchased via Air Force appropriated funding.
6. Air Force appropriated funds will be used to pay for occasional rental of a vehicle in support of official LRDAE travel. LR/CCs may also authorize reimbursement of POV travel in support of official duties.

ATTACHMENT 6

Telephones

1. Air Force appropriated funds will be used to pay the cost of Wing LO/LNCO telephone service. Copies of the monthly telephone bills will be submitted to national headquarters FM for reimbursement. When collocated, Wing LO/LNCOs will maintain necessary separate telephone lines for the operation of their office.
2. Where possible, DSN access and military switchboard support will be maintained.

ATTACHMENT 7

Operations

This attachment addresses the flight operations performed by wing liaison officers and supplements the basic CAP/CAP-USAF MOU.

1. Wing Liaison Officers must satisfy the requirements of CAPR 60-1 and all applicable Federal Aviation Requirements (FARs) prior to performing duties in CAP Corporate aircraft.
2. All wing liaison officer flights must be approved by the CAP-USAF LR/CC or DO and authorized in accordance with CAPR 60-1.
3. Wing liaison officers will fly only on Air Force assigned (Category A or B) missions in line of duty.
4. Wing liaison officers may fly CAP Corporate (Category C) missions only in a volunteer status.
5. Wings will be reimbursed for the wing liaison officers flying at the published Air Force reimbursement rate for the Corporate aircraft flown.
6. Total reimbursed hours allocated to the wing liaison officer will be determined by HQ CAP-USAF.
7. HQ CAP-USAF will provide the wing liaison officer with the required flight publications.
8. Permanent loss of flying privileges (medical or otherwise) is considered cause for termination.

ATTACHMENT 8

Air Force Support of CAP Liaison Region Directors of Aerospace Education

1. Office space and office furniture such as desks, file cabinets, tables, storage units for education materials, etc.
2. Supplies for general administrative tasks and supplies for packaging and mailing educational materials.
3. Postage for mailing conference announcements, workshop notices, educational materials, as provided prior to CAP reorganization.
4. Assistance, as necessary, in arranging military support for CAP educational programs such as the National Congress on Space and Aviation and Teachers Workshops. This includes, but is not limited to, billeting, messing, transportation, facilities, media coordination, reprographic services, etc.
5. Assistance, as necessary, in arranging USAF Reserve support for aerospace educational activities, to include airlift.